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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,585	12/29/2000	Eric T. Lambert	YOR920000560US1/127-0005	8383

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12/14/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/751,585

Applicant(s)

LAMBERT ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 30 September 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

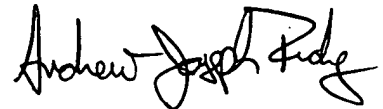
Continuation of 9. Other (including any explanation in support of the above items):

Applicant's Appeal Brief Status of Claims item does not identify the status of each claim on appeal as whether it is cancelled, allowed or rejected.

Applicant's Appeal Brief Summary of Invention item does not refer to the specification by page and line number. Also, "where applicable it is preferable to read the appealed claims on the specification and any drawing" as noted from MPEP 1206, Appeal Brief Content. Applicant's Appeal Brief does not provide such.

Applicant's Appeal Brief Grouping of Claims item does not properly explain why the claims of each group on appeal are believed to be separately patentable. Also, Applicant does not pick out one single claim from each of the four (4) Groups identified for the Board of Appeals to review.

Applicant's Appeal Brief Issues item does not provide a concise statement, as required. Each "issue" presented contains comments that are regarded as argument, i.e. "is improper." Thus, the Issues must be properly presented.



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